CHAPTER 4 SURFACE TRANSPORTATION PROGRAM (STP)

CONTENTS

EXHIBIT

This page intentionally left blank

CHAPTER 4 SURFACE TRANSPORTATION PROGRAM (STP)

4.1 INTRODUCTION

The Surface Transportation Program (STP) was established by the 1991 Federal Intermodal Surface Transportation Efficiency Act (ISTEA) and continued with the passage of the Transportation Equity Act for the 21st Century (TEA-21) and the TEA-21 Restoration Act in 1998. Both new Acts are jointly referred to as TEA-21. Funds are directed to projects and programs for a broad variety of transit and highway work (including work done to streets and roads).

4.2 ELIGIBILITY CRITERIA

GENERAL

Eligible projects may be located on:

- Any federal-aid highway, including the National Highway System. (A portion of the funds reserved for rural areas may be spent on rural minor collectors for fiscal years 1998 through 2003.)
- Bridges on any public highway.
- Transit capitol projects, and intra-city/inter-city bus terminals and facilities.

Generally, the projects must be transportation projects or programs which are:

- Consistent with Title 23 United States Code (USC) and/or Title 49 USC.
- Derived from the Regional Transportation Plan (RTP), included in a Federal Transportation Improvement Program (FTIP) and/or Federal Statewide Transportation Improvement Program (FSTIP) and consistent with the conformity determinations of the Clean Air Act and its amendments.

PROJECT TYPES

Eligible project types (Title 23 USC, Chapter 1, Section 133) include:

- Construction, reconstruction, rehabilitation, resurfacing, restoration and operational improvements for highway and bridge projects, including bridge seismic retrofit, painting and application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions. Also included are the necessary engineering, right-of-way and environmental mitigation for these activities.
- Transit capital projects under Chapter 53 of 49 USC including vehicles and facilities, whether publicly or privately owned, that are used to provide inter-city passenger service by bus.
- Carpool projects, fringe and corridor parking facilities, bicycle facilities and non-construction projects, pedestrian walkways, and modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.).
- Highway and transit safety infrastructure projects, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway grade crossing elimination or improvement.

- Highway and transit research and development and technology transfer programs.
- Capital and operating costs for traffic monitoring, management and control facilities and programs.
- Surface transportation planning programs.
- Transportation enhancement activities.
- Transportation control measures listed in Section 108(f)(1)(A) of the Clean Air Act excluding clause (xvi).
- Development and establishment of management systems under Title 23 USC, section 303.
- Wetlands mitigation and natural habitat efforts related to projects funded under Title 23 USC.
- Capital improvements for infrastructure-based intelligent transportation systems.
- Environmental restoration and pollution abatement projects, including retrofit or construction of stormwater treatment facilities (limited to 20% of the total cost of reconstruction, rehabilitation, resurfacing, or restoration projects).

PREVENTIVE MAINTENANCE

Section 119 of Title 23, United States Code, was amended by ISTEA and continued by TEA-21 to provide specific federal-aid fund eligibility for preventive maintenance on Interstate highways. Subsequent clarifications by the California Division Administrator for the FHWA extended federal-aid fund eligibility for preventive maintenance on other federal-aid highways.

Preventive maintenance projects may be advanced without including safety or geometric enhancements, but with the understanding that appropriate AASHTO safety and geometric enhancements will be an integral part of future reconstruction, rehabilitation, resurfacing, or restoration projects. Preventive maintenance includes, but is not limited to, roadway activities such as joint and shoulder rehabilitation, heater re-mix, seal coats, corrective grinding of PCC pavement, and restoration of drainage systems. These activities are eligible for federal-aid participation provided:

- The local agency certifies that it has a Pavement Management System (PMS). This certification is to be completed biennially, with a copy attached to the Field Review Form for all Preventive Maintenance Projects (see Exhibit 4-A, "Pavement Management System Certification").

- The decision process used by the city or county to determine project strategies was based on the established PMS.

  Items to be covered and noted in the Field Review. See Chapter 7, "Field Review" in the *Local Assistance Procedures Manual* (LAPM).

- The PMS determined the project strategy to be cost effective and have a service life of five years or more.

  Items to be covered and noted in the Field Review. See Chapter 7, "Field Review" in the LAPM.

- The project is not for spot application. Spot application projects are considered to be normal maintenance and therefore not eligible.

- The preventive maintenance project does not degrade any existing safety or geometric aspects of the facility.

- All federal-aid requirements shall apply.

- Funding for each project shall be required to be in an approved Federal Statewide Transportation Improvement Program (FSTIP). (It is recommended that preventive maintenance projects be programmed on a lump sum basis for the program and not as individual projects.)

  Items to be covered and noted in the Field Review. See Chapter 7, "Field Review" in the LAPM.

4.3 FUNDING

California received $656 million dollars for the Federal Fiscal Year of 2000/2001 (October 1, 2000 to September 30, 2001) in total STP apportionments under the 1998 TEA-21 provisions. Funds are apportioned on a pro-rata percentage of federal-aid highway lane-miles, vehicle-miles traveled on lanes on federal-aid highways, and tax payments attributable to highway users. FHWA may impose annual penalties when the state does not comply with specific provisions of federal law. Certain deductions for administrative purposes, set-asides, and transfers may adjust the amount available for apportionment.

STP SAFETY PROGRAMS

Ten percent of the STP apportionment authorized by TEA-21 is reserved for safety programs defined by Sections 130 (railroad-highway crossing improvements) and 152 (hazard elimination projects) of the Act (see Chapter 9, "Hazard Elimination Safety," and Chapter 10, "Railroad/Highway At-Grade Crossing," in this manual).

STP TRANSPORTATION ENHANCEMENT ACTIVITIES (TEA)

Another 10 percent of the STP apportionment is reserved for Transportation Enhancement Activities. This reserved apportionment is used for a variety of special projects which serve to enhance or enlarge the function or purpose beyond that normally required for transportation service or environmental mitigation requirement (see Chapter 8, "Transportation Enhancement Activities" of this manual).

REGIONAL STP

Federal statute divides the remaining 80 percent of the STP apportionment among the urbanized and non-urbanized areas. Of this amount, 62.5 percent (50 percent of the total) must be divided among the urbanized areas (areas with populations over 200,000) and remaining areas of the state, normally on a population basis, and 37.5 percent (30 percent of the total) may be used in any area.

State law (Streets and Highway Code, Section 182.6) defines certain STP funds allocated within the state as Regional STP (RSTP). State law further defines how these funds are apportioned to the Metropolitan Planning Organizations (MPOs) by the state. Further apportionment is made by the MPOs to the County Transportation Commissions. Where there is no MPO, the apportionment goes to the Regional Transportation Planning Agency (RTPA).

For the Federal Fiscal Year of 2000/2001, the amount apportioned for distribution to the MPOs, RTPAs, and County Transportation Commissions is $318 million.

4.4 PROJECT SELECTION

The agencies receiving RSTP apportionments (i.e., MPOs, RTPAs, and County Transportation Commissions), in cooperation with Caltrans, cities, counties, and transit operators, develop a program of projects for entry into the FTIP/FSTIP. Each MPO or RTPA provides application rules for project listings in their local jurisdictions. Each regional FTIP is subsequently incorporated into the FSTIP, which also includes the projects for areas of the state not covered by MPOs.

4.5 PROJECT IMPLEMENTATION

Upon selection for funding through FTIP/FSTIP, project costs can become eligible for federal reimbursement through the FHWA authorization and obligation process. Requests to initiate project work must be processed through the District Local Assistance Office. Expenses incurred prior to authorization are not eligible for reimbursement. (See Chapter 3, "Project Authorization," in the LAPM.)

Under TEA-21, the federal share for most California STP projects is 88.53 percent. Safety projects are eligible for 90 or 100 percent federal share (see Chapter 9, "Hazard Elimination Safety," and Chapter 10, "Railroad/Highway At-Grade Crossing," of this manual).

4.6 FEDERAL TRANSIT ADMINISTRATION (FTA) TRANSFERS

Under ISTEA and TEA-21, funds traditionally used for highway projects can be transferred to the FTA for use on transit projects (Title 23 USC, section 134). The funds transferred are primarily used to acquire buses, vans, and light rail trains, as well as for operations in the first three years of a transit system's operations.

The transfer process begins when a transit operator determines that funding is needed for a specific project, such as acquiring a bus, rehabilitating vans, or constructing a transit facility. Next, the transit operator makes a grant application to FTA. Once the number is received from FTA, the transit operator submits the necessary documentation to the Caltrans District Local Assistance Engineer (DLAE). At this point, the project identified for funding should be included on the FTIP/FSTIP.

The DLAE then forwards the FTA transfer request to the Division of Local Assistance. Upon receiving a request, the Division of Local Assistance assures that adequate funding

and obligational authority is available. Afterward, the Division of Local Assistance submits a letter to FHWA that 1) identifies the project and 2) asks FHWA to transfer the funds, thereby reducing the apportionment for the region. When FHWA Headquarters Office of Budget and Finance completes the necessary documents, FHWA then transfers funds to FTA.[1]

For additional information, please refer to Chapter 3, "Project Authorization," of the LAPM.

4.7 RSTP/STATE FUNDS EXCHANGE

Non-MPO RTPAs may exchange their RSTP funding for State Highway Account funds. Counties represented by MPOs may exchange their guaranteed share of these funds provided that the amount is less than 1 percent of the total statewide apportionment or in excess of 3.5 percent total statewide apportionment by formula (see Chapter 18, "Exchange/Match Program," of this manual).

4.8 "USE IT OR LOSE IT" PROVISIONS OF ASSEMBLY BILL 1012

Assembly Bill 1012 (AB 1012) was enacted in October 1999 with a goal of improving the delivery of transportation projects. The legislation states that regional agency RSTP and Congestion Mitigation and Air Quality Improvement (CMAQ) funds that are not obligated within the first three years of federal eligibility are subject to reprogramming by the California Transportation Commission (CTC) in the fourth year.

Caltrans will apply the same policy to the Regional Transportation Enhancement Activities (TEA) program; although, the statutes do not specify that the Regional TEA program is subject to the same timely use of funds provisions. This treatment of Regional TEA funds is consistent with the CTC policy that states Regional TEA funds will be apportioned and managed in a manner similar to RSTP funds.

The roles and responsibilities for the timely use of funds are delineated in statute and are shared by regional agencies, Caltrans, and the CTC.

- Regional agencies are responsible for: 1) obligating the funds within the three-year time period, and 2) developing a plan for these funds that remain unobligated in the third year.
- Caltrans is responsible for monitoring and reporting unobligated balances.
- The CTC is responsible for reprogramming the unobligated balances to ensure no federal lapse occurs.

[1] Once transferred to FTA, the funds cannot be returned to FHWA.

Regional agencies must submit a formal obligation plan for any CMAQ, RSTP, or Regional TEA balance older than 2-years old to the DLAE by April 15 of each year. The plan must be tied back to the FTIP and provide a project identifier for each project.

Adequate time must be allowed in the plans for the required administrative processes in order to meet the federal funds cut off date of September 15. Therefore, regional agencies must submit all requests for obligation of funds to the Department district offices no later than August 15.

For information on policy and procedures necessary to implement the Timely Use of Funds provisions outlined in AB 1012, refer to the "Guidelines for Implementation of the Timely Use of Funds Provisions of AB 1012," found on the Local Assistance homepage at:www.dot.ca.gov/hq/LocalPrograms/.

4.9 REFERENCES

- Title 23 United States Code, Chapter 1, Sections 104, 133, 134,135,149, 152
- California Constitution, Article XIX
- Streets and Highways Code, Sections 182.4, 182.6
- "Guidelines for Matching Regional Surface Transportation and CMAQ Projects (August 4, 1993)," Division of Transportation Programming
- "A Guide to Federal-Aid Programs, Projects, and Other Uses of Highway Funds," Publication No. FHWA-PD-92-018, September 1992

LOCAL AGENCY LETTERHEAD

Date: _____

PAVEMENT MANAGEMENT SYSTEM CERTIFICATION

The City/County of _____ certifies that it has a Pavement Management System (PMS).

The system was developed by _____ and contains, as a minimum, the following elements from the attached federal requirements:

- Inventory of arterial and collector routes reviewed and updated biennially. The last update of the inventory was completed on _____, 20 ___ .
- Assessment of pavement condition for all routes in system incorporating the use of the international roughness index or the pavement serviceability rating data, updated biennially. The last review of pavement condition was completed on _____, 20 ___.
- History of pavement performance.
- Identification of all sections of pavement needing rehabilitation or replacement.
- Determination of budget needs for rehabilitation or replacement of deficient sections of pavement for current biennial period, and for following biennial period.
- Impact of budget decisions on future pavement condition.

(If PMS system was developed in-house, briefly describe it on an attached sheet.)

_____
Agency

_____
Signature

_____
Title

This page intentionally left blank